

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES TYRONE CASON,

Plaintiff(s),

v.

SOUTHERN DESERT CORRECTIONAL
CENTER, et al.,

Defendant(s).

Case No.: 2:18-cv-01419-JAD-NJK

REPORT AND RECOMMENDATION

On July 22, 2019, the Court ordered service to be accomplished on Defendant Worthey. Docket No. 7. To date, there is no indication of successful service. *See* Docket No. 9 (summons returned unexecuted). On February 24, 2020, the Court ordered Plaintiff to show cause, by March 16, 2020, why this case should not be dismissed for lack of service. Docket No. 10. To date, there has been no response to the order to show cause.

A case may be dismissed if service has not been accomplished within 90 days. Fed. R. Civ. P. 4(m). Accordingly, the undersigned **RECOMMENDS** that Defendant Worthey be **DISMISSED** without prejudice for lack of service.¹

Dated: April 13, 2020



Nancy J. Koppe
United States Magistrate Judge

¹ As no other claims against other defendants remain live, *see* Docket No. 3, the undersigned further recommends that judgment be entered and that the case be closed.

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation must file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).